

PATENT APPLICATION
Docket No. 48231-01011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Paul H. Lundein)
Serial No.:	10/731,514) Art Unit
Filed:	December 9, 2003) 3652
For:	DEVICE FOR LOADING MATERIAL INTO HAULING VEHICLES)
Confirmation No.:	3727)
Customer No.:	34013)
Examiner:	Greenhut, Charles N.)

TELEPHONE INTERVIEW SUMMARY

Dear Sir:

Summary of Telephone Interview begins on page 2 of this paper.

SUMMARY OF TELEPHONE INTERVIEW

On August 27, 2008, Applicant's counsel, Craig Buschmann, Reg. No. 57,829, spoke with Mr. Charles N. Greenut, the patent examiner, regarding the rejections set forth in the Office Action dated April 30, 2008. The parties discussed a proposed amendment to the claims and the prior art of relevance.

In particular, Applicant proposed amending independent claim 15 to positively recite the operation means of the invention. More specifically, Applicant proposed adding:

“wherein said operation means includes a cable and a winch mechanism, said cable extending from said winch mechanism and attached to said receiving member, said winch mechanism being operable to wind in and pay out the cable to move said receiving member between said deployed position and said transfer position.”

Mr. Greenhut noted that this was his last week at the PTO and therefore he would not be the one to make the final decision on patentability. Rather, that decision would be made by a new examiner yet to be assigned the case. Mr. Greenhut, therefore, was non-committal on the patentability of independent claim 15 with the proposed amendment.

Mr. Greenhut asserted that U.S. Pat. No. 5,573,365 to Michalski and U.S. Pat. No. 6,869,265 to Smith *et al.* in the prior art of record each include a cable and winch mechanism. Mr. Greenhut did not further comment on the relevance or applicability of the prior art to the proposed amendment or make any observation on the non-obviousness of the proposed amendment over the prior art.

Dated this 28th day of August, 2008.

Respectfully submitted,

/Craig Buschmann/

Craig Buschmann
Registration No. 57,829
Attorney for Applicant
Holme Roberts & Owen LLP
Customer No. 34013
Telephone: (801) 521-5800